

TOWN OF BOW MAR, COLORADO
BOARD OF TRUSTEES
MINUTES OF THE REGULAR MEETING ON MARCH 21, 2011

CALL The regular meeting of the Board of Trustees of the Town of Bow Mar was called for Monday, March 21, 2011, Mayor Rick Pilgrim presiding. The meeting was held at No. 2 Middlefield Road, Columbine Valley, Colorado.

A quorum was declared present at 7:02 p.m.

PRESENT	Mayor	Rick Pilgrim
	Trustees	Merle McKittrick
		John Giese
		Gary Guilford - absent
		Elizabeth Tulloch - absent
		Carrie McLaughlin
		Rick Wilkins
	Attorney	Hugh Gottschalk
	Clerk/Treasurer	Karen Reutzel
	Police Chief	Bret Cottrell
	BMOI Rep.	Jane Carlson
	Citizens	None

Mayor Rick Pilgrim led the group in the Pledge of Allegiance. The February Minutes and Treasurer's Report were approved. Giese/McLaughlin/Unanimous.

Public Safety - Police Chief Bret Cottrell reported that 33 citations were written in Bow Mar during February and there were 31 calls for service. Nothing of significance occurred. Staffing of the police force is back to 100%. Chief Cottrell and Town Attorney Gottschalk reported the status of a boundary/jurisdiction issue along northbound Sheridan that arose in municipal court. An IGA or a letter agreement with the City of Denver regarding concurrent jurisdiction may be pursued. Town Attorney Gottschalk will continue to research and determine the Town's options.

Finance - Commissioner John Giese reported on the February financial statements. Revenues for the first two months are below budget in the amount of \$1,750. Building permit revenue is close to budget for the year. Public safety expenses are above budget as discussed last month. Many expense areas are below budget. Total expenses through the end of February equal \$70,567. The net loss of \$35,163 through February 28 is better than the projected loss under the budget for that time period.

A discussion ensued regarding the Town's decreasing cash reserves and whether variable sources of income such as building permit revenue should be part of the budget or treated as non-operating revenue. Building permit revenue is dramatically down since 2008 which has had a big impact on the budget. The Board will consider segregation of

revenue sources in future budgets. Another option would be to ask the voters for permission to go above the allowed TABOR increase of 5.5%. Trustees Giese and Wilkins will meet separately to discuss budgetary and revenue matters. The February financial statements were approved. Wilkins/McLaughlin/Unanimous.

Building – Commissioner John Giese read Commissioner Elizabeth Tulloch’s building report in her absence. \$2,555 was collected in permit fees for several small projects. \$1,127 is payable for building inspection fees. A scrape and rebuild on Larkspur was approved by ACC with no variances requested.

Commissioner McLaughlin reported that many residents are unaware that they need a building permit for minor projects like installation of a hot water heater. It was suggested that a note go in the Bulletin and possibly on the website describing when a permit needs to be pulled and why it benefits the homeowner.

Parks & Recreation – Commissioner Carrie McLaughlin reported that she has asked Mr. Tam to turn the water on for irrigation of Town landscaping areas because it has been unusually dry and windy. Trash along Sheridan has become an issue which would be a good project for students who are looking for community service hours. Some landscaping needs to be restored at the far north end of Bow Mar Drive after the completion of a Water Board project - \$1,500 was contributed by the Water Board for such purpose. Trustee McLaughlin will put together a proposal for the next meeting. She will also follow-up on a letter from a resident offering to donate funds for weed spraying along the path through Mary’s Meadow.

Public Works - Commissioner Merle McKittrick reported that four road signs were repaired. XCEL will reimburse \$125 for one sign they damaged. He has requested a quote from Metro Pavers to repair four potholes on Wagon Trail, plus a few others around Town. He would like to schedule the work for the second quarter. He also plans to contract for some seal coating on two streets in the third quarter. Commissioner McKittrick reported he is working with Xcel to get the road patches properly repaired along Bow Mar Drive which resulted from their gas line project. He is also reviewing the snowplowing standards for next season to determine whether the specifications were too high.

Intergovernmental – Trustee Rick Wilkins reported that he attended the DRCOG meeting last Wednesday. He is also attending the Denver Metro Roundtable on water issues on March 31 which is supposed to be an informative meeting. He will forward the invitation to other Trustees.

Clerk Comments – Town Clerk Karen Reutzel reported that all of the Town ordinances have been uploaded to the website. The financials have transitioned to her office from Pat Hoffman as of March 1.

Attorney Comments Town Attorney Hugh Gottschalk reported on a variety of legal issues he is working on for the Town. He has prepared a first draft of an ordinance

regarding the keeping of chicken hens in Town. However, he reported that a separate BMOI covenant prohibits chickens that would not be addressed by a change in the Town ordinances. Those who desire to have chickens would need to go to the BMOI Board and discuss the possibility of amending the covenants to eliminate the current prohibition on chickens. This would require a vote of the lot owners subject to the covenants rather than a vote of BMOI members. He opined that it would be very difficult to amend the BMOI covenants.

He is also working on a covenant structure regarding the proposed King Estate development as part of the development approval process.

Town Attorney Gottschalk reported that he has reviewed a proposed IGA between the Town of Columbine Valley and the City of Sheridan regarding animal control services which the Town has been asked to join in some form. He sought further direction from the Trustees about moving forward with the agreement. This would involve a cost to the Town if the services were used which could be levied against the homeowner.

Chief Cottrell explained that Columbine Valley has agreed to share these services with the Town of Sheridan and must establish an agreement with Bow Mar as well, in case there is a vicious dog situation that the police force cannot handle. The police officers anticipate using it rarely. The police officers routinely reunite dogs and their owners. They also contract with the Platte River Humane Society if a dog needs to be kenneled. The Board agreed unanimously that an agreement needed to be in place and Town Attorney Gottschalk will work with Columbine Valley's Attorney Lee Schiller on the specifics and will have something for review by the Board next month.

Mayor's Report – Mayor Rick Pilgrim had no report.

BMOI Report – BMOI President Jane Carlson reported that Joe Ste.Marie will be building new canoe racks at the beach as an Eagle Scout project. Donations are required for the project, which will be at no cost to BMOI. Canoes will need to be moved by April 15.

BMOI has contracted with a tree company to remove several large diseased trees at the beach and at Marston. There are three new BMOI members and six more potential members due to house sales in the coming months.

President Carlson presented plans for a significant re-landscaping project at the Beach designed to prevent erosion. Construction will begin shortly and is expected to be complete in time for the summer season.

Old Business –

King Property Development Update – Mayor Pilgrim reported that the developer sent a letter in partial response to the Town's comment letter regarding its preliminary plat application. The developer contends that they obtained zoning for the property via the

Sketch Plan. The Town's position is that the zoning would be conferred by separate ordinance at Final Plat. Mayor Pilgrim will draft a letter to the developer clarifying the Town's position for review by Town Attorney Gottschalk. The Board agreed with the plan of action. The Town is also working on governance documents for the project to be provided to the developer. The Town will require that the residents also be members of BMOI with building plans reviewed by ACC. A development agreement also needs to be drafted and agreed to with the developer.

Long Range Road Plan/Master Drainage Plan – Trustee McKittrick discussed the proposal from Town engineer Vision Land Consultants regarding the development of a paving maintenance program which was presented last month. He does not believe that the Town requires the full comprehensive list of services in the original proposal. Discussion ensued regarding how a road program would be paid for, including a pay-as-you-go program versus a bonded program. The Board is in general agreement that development of a professional road plan is necessary. The cost of a plan would come out of the Public Works budget. A motion was passed authorizing Trustee McKittrick and Mayor Pilgrim to negotiate a revised contract with VLC not to exceed \$25,000 addressing Items II through VI in the original VLC proposal. McKittrick/McLaughlin/Unanimous.

Introduction and First Reading of Proposed Ordinance to Permit Keeping of Live Chickens at Residential Properties in Town

The Board discussed the first draft of an ordinance prepared by Town Attorney Gottschalk regarding the keeping of chicken hens on residential properties. The number of chickens (4) in the ordinance was discussed. The Board also shared comments from Town residents concerning the proposal. Trustee McLaughlin stated she has not heard opposition, just people who think it is a nice idea but aren't personally planning to have chickens. Trustee Giese noted that one resident opposing the proposal addressed the Board in January. Trustee Wilkins stated his perception that the silent majority are not too excited about the proposal and don't want to see chickens next door. Other issues discussed included attraction of predators, possible smell, dog interactions and increased yard clutter.

The Board questioned how the Town can pass an ordinance regarding a use that is prohibited by the BMOI covenants. Town Attorney Gottschalk advised that the Town and BMOI are two different enforcement entities, and the question for the Board is whether or not it wants to change the Town ordinances to permit chicken hens. Gottschalk commented that he would continue revising the ordinance if two Trustees were favorable with moving forward. It was suggested that the draft be revised to add a two year trial period and a provision stating that there would be no liability if a neighboring dog killed a chicken. Fees for a chicken coop should be also raised to \$75.00. The Board tabled further action until the April meeting when all Trustees are in attendance. At that time a straw vote would be held to see if the Board would be interested in taking the issue to a public hearing. This would also allow BMOI time to

consider the issue. Mayor Pilgrim asked the Board to caucus amongst themselves to decide in April whether or not to proceed to public hearing as soon as May.

Discussion of Waste Collection Services – Proposed Allied Waste Franchise Agreement

Trustee Wilkins presented a revised contract proposal from Allied Waste for trash service in Bow Mar. The proposal was initiated after a complaint by a resident and the discovery after discussions with Allied that it was not charging uniform prices to Town residents. Allied has a new representative who is very committed to making things right with the Town. The contract would result in significant price savings to residents on a monthly basis and includes new 95 gallon trash carts for each home to be used with fully automated natural gas powered trucks. Residents would also receive a 95 gallon cart for recyclables. Other additions include roll-offs to BMOI for spring and fall clean up, holiday tree disposal and special services for up to 25 physically impaired residents. Bow Mar South is using the company under a similar contract. Trustee Wilkins is very impressed with the contract and it was discussed that the Town might also consider rolling the cost into the Town budget in the future so it could be a part of residents' property taxes.

Motion was approved giving Trustee Wilkins authority to negotiate a final contract with Allied for review and execution by the Board which includes the option for the Town to switch to a single payer contract if the Board deems that desirable in future years, and specifying an express time period for the agreement. Wilkins/McLaughlin/Unanimous.

Adjournment There being no further business the meeting was adjourned at 9:30 p.m. Wilkins/McKittrick/Unanimous. The next Regular Meeting is scheduled for April 18, 2011 at No. 2 Middlefield Road, Columbine Valley, CO. The meeting will begin at 7:00 p.m.


Richard D. Pilgrim, Mayor


Karen V. Reutzel, Town Clerk and Treasurer